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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/864,007 | 05/23/2001 | Arto Lehtonen | 442-010303-US(PAR) | 1869 |

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EXAMINER

SHARMA, SUJATHA R

ART UNIT PAPER NUMBER

2618

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/864,007 | LEHTONEN, ARTO | |
| | Examiner | Art Unit | |
| | Sujatha Sharma | 2684 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones [US 6,606,506] in view of Arazi [US 6,430,395].

Regarding claims 1,2,13,15, Jones discloses a personal entertainment and communication device having a headset electronically connected to the master unit/communication unit. Jones further discloses

- a method for transferring audio signals of a call between the mobile station and the headset (see col. 1, line 55 – col. 2, line 20, col. 4, lines 1-49). Jones further discloses a method to transfer files between the master unit/communication unit and the headset (see col. 5, lines 5-65, col. 6, lines 14-60)
- a memory means to store these files (see Figs. 2,3 and 4 and col. 3, lines 8-38 and col. 5, lines 6-19, col. 6, lines 14-60). See also background of invention
- a media player which is arranged to decode a file which is stored in the headset (see fig.6 for the arrangement of the media player where a decoder in the cellular telephone decodes the stored mp3 files in the headset)

Art Unit: 2684

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

However, it is well known in the art that short range communication such as Bluetooth is a cable replacement technology that connects one device to another with one universal short range radio link as taught by Arazi. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers as taught by Arazi in Jones invention as a cable replacement.

Regarding claim 3, Jones further discloses the files to be user files. See background of invention, col. 5, lines 5-65, col. 6, lines 14-60.

Regarding claim 4, Jones further discloses the memory in the headset to be a detachable memory. See Fig. 2, col. 3, lines 24-38.

Regarding claim 5, Jones discloses the headset to comprise of a speaker and a microphone. See col. 1, line 66 – col. 2, line 2.

Regarding claim 6, Jones further discloses a method where the headset comprises a user interface and the master/communication unit is arranged to control the user interface. See col. 3, lines 9-67.

Regarding claim 7,16, Jones further discloses a headset comprising of a multimedia player. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Regarding claims 8,14, Jones discloses two earpieces in the headset and as a multimedia player an audio player that is arranged to play music in the earpieces. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Regarding claims 9,10, Jones further discloses a method wherein the audio player is arranged to play music by decoding a music file which is stored in the head set and further the multimedia player comprising of a number of functions that the mobile station is arranged to control over short-range radio connection. See summary of invention, col. 3, lines 9-38, Figs. 1 and 6.

Regarding claim 11, Jones discloses the communication unit to be a mobile station of a cellular network. See background of invention, col. 3, lines 52-67.

Regarding claim 12, Arazi teaches the use of Bluetooth technology for short-range communication between the headset and the mobile communication device. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Response to Arguments

3. Applicant's arguments filed 4/20/06 have been fully considered but they are not persuasive.

The applicant argues that the secondary reference is for a different problem than that solved by the present invention and therefore cannot be combined with the present invention

In response to applicant's argument that the secondary reference is for a different problem than that solved by the present invention and therefore cannot be combined with the present invention, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Arazi teaches the use of Bluetooth technology and it is well known in the art that Bluetooth technology is used in application for cable replacement. It is this teaching that is taken to combine with the primary reference to meet the limitations of the claims.

Further the applicant argues that the Arazi reference does not disclose a Media player.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As discussed above, Arazi's teaching of the Bluetooth technology for cable replacement is combined with the primary reference Jones to meet the limitations of the claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sujatha Sharma
June 7, 2006



Matthew D. Anderson
Supervisory Patent Examiner